

REMARKS/ARGUMENTS

Claims 1, and 5-20 are pending. Claims 1, 5-8, 10, and 12 have been amended. Claims 2-4 and 11 have been cancelled. No new matter has been added.

Claim 1 was rejected under 35 U.S.C. 112, first paragraph. Applicants traverse the rejection. The phrase "the management information including...to the second host" is supported by at least by paragraphs [0074] and [0117] of the publication on the present application (US2004/172509). See also step 6110 of Fig. 6 of the present application. The phrase "wherein the second host is configured to cause execution..." is supported at least by paragraphs [0075]-[0077] of the publication (see Fig. 3) and paragraphs [0118]-[0119] (see Fig. 6).

Claims 1, 4, and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by West et al. Applicants traverse the rejection. In the claimed embodiment, the data processing system includes a communication link that is used to communicate management information between the first and second hosts and a data transfer path that is used to transfer data between the first and second storage subsystems. For example, Fig. 1 illustrates an IP network 48 that is used to exchange the management information and a Fibre Channel 68 that is used to transfer data. West et al. does not disclose a data processing system having at least two different types of data links, one for management information and another for data transfer. Claim 1 is allowable at least for this reason.

Claims 2-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. in view of Ohran. Applicants traverse the rejection. Ohran, like West et al., does not disclose the use of two different types of data links. Claims 2-3 depend from claim 1 and are allowable at least for the reason claim 1 is allowable.

Claim 11 was rejected under U.S.C. 103(a) as being unpatentable over West et al. Claim 11 has been canceled to expedite the prosecution of the present application.

Applicants thank the Examiner for allowing claims 13-20 and indicating claims 5-9 and 12 include allowable subject matters. Claim 12 has been amended to include the features of claims 1 and 11.

Appl. No. 10/603,076
Amdt. dated September 19, 2005
Reply to Office Action of June 17, 2005

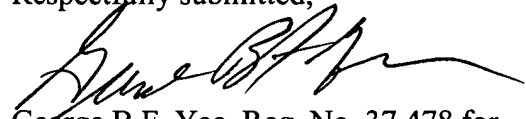
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



George B.F. Yee, Reg. No. 37,478 for
Steve Y. Cho, Reg. No. 44,612

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
SYC:mcg/km
60590044 v1